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Attorneys for Plaintiff  
VERIGY US, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation,

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;  
WESLEY MAYDER, an individual; SILICON  
TEST SYSTEMS, INC., a California Corporation;  
and SILICON TEST SOLUTIONS, LLC, a  
California Limited Liability Corporation,  
inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF HEATHER FLICK  
IN OPPOSITION TO DEFENDANTS'  
MOTION TO COMPEL FURTHER  
PRODUCTION OF DOCUMENTS FROM  
VERIGY IN RESPONSE TO FIRST  
DOCUMENT REQUEST**

Date: September 30, 2008  
Time: 10:00 am  
Courtroom: 2, 5th Floor  
Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007  
Trial Date: None Set

1 I, Heather Flick, declare as follows:

2 1. I am an attorney licensed to practice law before all courts of the State of California,  
3 including the United States District Court for the Northern District of California, and am a  
4 principal of the Flick Group, counsel along with Joseph Ehrlich of Losch & Ehrlich for non-party  
5 Robert Pochowski. Except for matters asserted on information and belief, which I am informed  
6 and believe to be true, I make this declaration of my personal knowledge and, if called as a  
7 witness, I could and would testify competently to the facts set forth herein.

8 2. On or about July 20, 2007, I had a telephone conversation with John W. Fowler and  
9 Mindy M. Morton, counsel for Verigy US, Inc. ("Verigy"), which subsequently became a plaintiff  
10 in the above-captioned action. We agreed that Verigy and Mr. Pochowski had a common interest  
11 adverse in legal matters adverse to Romi Mayder, who subsequently became a defendant in this  
12 action. We further agreed that communications between Verigy and/or its counsel and Mr.  
13 Pochowski and/or his counsel would remain confidential. To my knowledge, we have continued  
14 to treat as confidential and subject to the attorney-client privilege and/or work product doctrine, as  
15 appropriate, all such communications.

16 3. We specifically agreed that Verigy's counsel could communicate directly with Mr.  
17 Pochowski even without his counsel and that such communications would remain confidential. To  
18 my knowledge, we have continued to treat as confidential and subject to the attorney-client  
19 privilege and/or work product doctrine, as appropriate, all such communications.

20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing is true and correct and that this declaration was executed this 9<sup>th</sup> day of September, 2008  
22 at San Francisco, California.

23  
24 /s/  
Heather Flick  
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